

TOXIC SUBSTANCES CONTROL ACT (TSCA)

12-2-B. Administrative Enforcement: Agency Representation
in Hearing and Signing of Consent Agreements

1. AUTHORITY.

- a. To represent EPA in civil penalty adjudications conducted under the Toxic Substances Control Act (TSCA) and 5 U.S.C. Section 554;
- b. to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and
- c. to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. and 1.c. are delegated to the Regional Counsel.
- b. The authority in 1.b. is delegated to the Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; Chief, Toxics Programs Branch, LCD; Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

- a. These authorities may only be exercised after the alleged violator either files an answer or fails to file answer within the specified time period.
- b. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.
- c. The delegates other than the Regional Counsel must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising these authorities.
- d. The OECEJ delegates may only exercise these authorities in multi-media cases.
- e. The OECEJ delegates must consult with the LCD delegates before exercising these authorities.

TOXIC SUBSTANCES CONTROL ACT (TSCA)

12-2-B. Administrative Enforcement: Agency Representation
in Hearing and Signing of Consent Agreements (Cont.)

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 16 of TSCA.

b. The Agency official who signs the complaint should sign the settlement agreement.

c. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or designee and the Assistant Administrator for Prevention, Pesticides, and Toxic Substances or designee prior to initiating an appeal.

6. SUPERSESSSION. Delegations Manual, TSCA, Regional Delegation 12-2-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements, 1200 TN RIII-129 (November 9, 1998).

Date: 2/27/03

/s/
Donald S. Welsh
Regional Administrator